

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Frank BEERWERTH et al.	)	
	)	<b>MS Patent Application</b>
<b>Application No.: To be assigned</b>	)	
<b>Continuation of Application No.: 09/117,724</b>	)	
<b>Filed on August 5, 1998</b>	)	Group Art Unit: 2859
	)	
Filed: July 14, 2003	)	Examiner: L. Dejesus
	)	
For: PROTECTIVE CAP FOR INFRARED	)	
RADIATION THERMOMETER	)	
(As Amended)	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application. The listed documents were previously cited and provided in copending parent Application No. 09/117,724, filed on August 5, 1998, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. Thus, under 37 C.F.R. § 1.98(d), copies of the listed documents are not required to be provided.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO 1449 form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "Prior Art." If it should be determined that any of the listed documents do not constitute "Prior Art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

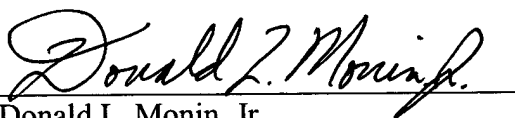
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Information Disclosure Statement, please charge the fee to our Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:



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Dated: July 14, 2003

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202-739-3000  
202-739-3001

**INFORMATION DISCLOSURE  
CITATION**

(Use several sheets if necessary)

PTO Form 1449

Attorney Docket No.  
056427-5004-01Continuation of Application No.  
09/117,724

Applicant: Frank BEERWERTH et al.

PAGE 1 of 1

Filing Date: July 14, 2003

Group Art Unit: 2859 (anticipated)

**U.S. PATENT DOCUMENTS**

*Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date
		5,871,279	2/1999	Mooradian et al.	374	130	
		4,602,642	7/1986	O'Hara et al.	600	474	
		5,381,796	1/1995	Pompei	600	474	
		5,469,855	11/1995	Pompei et al.	600	474	
		3,878,836	4/1975	Twentier	600	200	
		3,581,570	June 1, 1971	Wortz et al.			Sep. 5, 1967
		5,018,872	May 28, 1991	Suszynski et al.			Oct. 5, 1989

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Sub Class	<u>Translation</u>  YES NO	
		0674162	Sep. 27, 1995	EP-A				
		0419100	Mar. 27, 1991	EP-A				
		0637430	Feb. 8, 1995	EP-A				
		0411121	Dec. 23, 1988	EP-A				
		0472490	Feb. 26, 1992	EP-A				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**


Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.